

IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE
DISTRICT OF ALABAMA NORTHERN DIVISION

MARK SHANNON WHEELER
AJS #139044

Plaintiff,

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V.

BILL SEGREST, et al
Defendants,

CASE # CIVIL ACTION 2:06-CV-274-MHT

(Motion to District Judge M.H. Thompson)

For Motion to Strike unsigned Affidavits of Defendant
BILL SEGREST

Comes now the plaintiff Mark Shannon Wheeler in this Honorable United States District Court for the middle District of Alabama Northern Division, and moves this Honorable Court to GRANT this Motion to strike unsigned Affidavits of Defendant Bill Segrest, submitted by defendant's Counsel, and the Grounds to support demand are as follows:

- 1). The Federal Rules of Civil Procedure, Rule 11 signing of pleadings, motions, and other papers, Representations to Court, sanctions (a) Signature, states: "Every pleading, written motion and other paper" shall be signed. . . . An unsigned paper shall be stricken unless omission of the signature is corrected promptly after being called to the attention of the Attorney or Party.
- 2). Chief United States Magistrate Judge Charles S. Coody halted Plaintiff Wheeler's Attempt for Contempt with sanctions against defendant Segrest in Compliance with Rule 43(d), but defendant's Counsel submitted Affidavit of defendant Bill Segrest "without" the Signature of defendant Segrest for the purpose of not having the Executive Director openly ADMIT to his Authority over the "STAFF" at the BOARD OF PARDONS and Paroles, which would show this Court defendant Segrest Responsibility, as the "operating Procedures" of the AL. Bd of Pard. and Paroles, page 1, states in Part on page 1, Paragraph 3, . . . "These operating Procedures" are designed to guide the BOARD'S STAFF in preparing cases for the Board's Consideration. "To the extent that the Board may lawfully delegate discretion to its staff, these operating Procedures guide the staff in exercising their discretion". (Paragraph 4, Cont:) The Executive Director and the division Chiefs subordinate to him are authorized to develop standard operating procedure manuals, providing more detailed guidance to employees about the performance of their duties. Such manuals shall guide the employees as they perform the various duties assigned to them. (Paragraph 5, Cont:) Nothing in these Procedures shall be construed to conflict with the Constitution or laws of Alabama. (Page 2, Paragraph 1, Cont:) . . . "The Authority exercised by the Board's STAFF will likewise be based on the facts of each case." (Paragraph 2, Cont:) . . . "Any employee developing a form shall submit it to the Executive Director and the Chief Counsel for their approval." (Paragraph 3, Cont:) Plaintiff Wheeler states defendant Bill Segrest is responsible, and also for his employee's less superior "the STAFF" is responsible, and also Done this the 3rd day of September, 2006. Mark Shannon Wheeler AJS #139044